



WHITFIELD BRYSON
& MASON LLP
ATTORNEYS AT LAW

John C. Whitfield *# ◊
Daniel K. Bryson *+
Gary E. Mason > ^ *
Scott C. Harris *^a
Matthew E. Lee *^a
Jason S. Rathod > ~
Caroline Ramsey Taylor *^a ◊
Natasha Camenisch Farmer * ◊

Esfand Y. Nafisi ~ ^
Benjamin S. Branda ~
Jeremy R. Williams *
Patrick M. Wallace *
Steven N. Berk > ~ ~
Charles A. Schneider > ~
Martha B. Schneider > ~
Roger N. Braden * ~

1625 Massachusetts Ave. NW, Suite 605
Washington, DC 20036
Office: 202.429.2290
Fax: 202.429.2294
www.wbmlp.com

State Bar Admissions:
KY * DC > NC * FL ^a TN ◊
NY ^ MD * IL ~ MO #
Of Counsel ~

January 8, 2016

By CM/ECF

Hon. Charles R. Breyer
United States District Judge
Courtroom 6, 7th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

**Re: Application for Steering Committee Appointment in *In re Volkswagen*
“Clean Diesel” Marketing, Sales Practices and Products Liability Litigation,
15-MD-2672 CRB (JSC)**

Dear Judge Breyer:

Pursuant to Pretrial Orders No. 1 and 2 (Dkt. ## 2, 336), I, Gary Mason, a founding member of Whitfield Bryson & Mason LLP (“WBM”), hereby apply for a position on the steering committee in the above-captioned litigation. My resume is attached as Appendix A.

Professional experience. I am a founding partner of Whitfield Bryson & Mason LLP, a plaintiff-side firm with four offices across the Mid-Atlantic. I and my firm, along with co-counsel across the country, represent consumers in fourteen separate “clean diesel” actions against Volkswagen.¹ I have exclusively represented consumers in class action litigation for

¹ *DeFiesta, et al., v. Volkswagen Group of America, et al.*, filed September 22, 2015, No. 2:15-cv-07012 (D.N.J.); *Ghezzi, et al., v. Volkswagen Group of America, et al.*, filed September 23, 2015, No. 2:15-cv-07035 (D.N.J.); *Drachler, et al., v. Volkswagen Group of America, et al.*, filed September 28, 2015, No. 2:15-cv-07131 (D.N.J.); *Verez, et al., v. Volkswagen Group of America, et al.*, filed September 28, 2015, No. 2:15-cv-07123 (D.N.J.); *Briller, et al., v. Volkswagen Group of America, et al.*, filed September 28, 2015, No. 2:15-cv-07122 (D.N.J.); *Manuel-Adams, et al., v. Volkswagen Group of America, et al.*, filed September 30, 2015, No. 2:15-cv-07183 (D.N.J.); *Barger, et al., v. Volkswagen Group of America, et al.*, filed September 30, 2015, No. 2:15-cv-07175 (D.N.J.); *Husserl, et al., v. Volkswagen Group of America, et al.*, filed September 30, 2015, No. 2:15-cv-07184 (D.N.J.); *Sprague, et al., v. Volkswagen Group of America, et al.*, filed October 1, 2015, No. 2:15-cv-07237 (D.N.J.); *Kannapel, et al., v. Volkswagen Group of America, et al.*, filed October 1, 2015, No. 2:15-cv-07235 (D.N.J.); *Spiker, et al., v. Volkswagen Group of America, et al.*, filed October 1, 2015, No. 2:15-cv-07241 (D.N.J.);

nearly 25 years and during that time have recovered over \$1.5 billion for consumers. I am nationally recognized as a leader of the class action bar and I am currently the chair of the American Association for Justice's ("AAJ") Rule 23 Subcommittee and I am a former co-chair of the AAJ's Class Action Litigation Group. I have a wealth of experience serving in leadership positions in MDLs and nationwide class actions and currently hold leadership roles in several pending MDLs. *See In re: GNC Picamilon/BMPEA Litigation*, No. 2:15-cv-1391 (W.D. Pa.) (court-appointed Co-Lead counsel); and *In re: U.S. Office of Personnel Management (OPM) Data Security Breach Litig.*, MDL No. 2664, No. 15-cv-01394 (D.D.C.) (court-appointed interim Liaison Counsel). My decades of experience as a plaintiff-side class action attorney have earned me a reputation as an aggressive litigator and an excellent negotiator of settlements that frequently involve large and complex issues affecting tens or hundreds of thousands of class members.

I have successfully litigated automotive defect cases to resolution. *See, e.g., Lubitz v. Daimler Chrysler Corp.*, No. L-4883-04 (Bergen Cty. Super. Ct. NJ 2006) (national settlement for repairs and reimbursement of repair costs incurred in connection with defective brake systems); *In re General Motors Corp. Speedometer Products Liability Litigation*, MDL 1896 (W.D. Wash., filed 2006) (national settlement for repairs and reimbursement of repair costs incurred in connection with defective speedometers).

I also have extensive experience in environmental matters. Along with my former firm, Cohen Milstein LLP, at which I was a partner, I represented native Alaskans in the *Exxon Valdez* litigation. *See also, Nnadili, et al. v. Chevron U.S.A., Inc.*, No. 02-cv-1620 (D.D.C., filed July, 2002) (\$6.2 million settlement for owners and residents of 200 properties located above underground plume of petroleum from former Chevron gas station); *In re Swanson Creek Oil Spill Litigation*, No. 00-1429 (D. Md.) (Lead Counsel; \$2.25 million settlement of litigation arising from largest oil spill in history of State of Maryland); *Stockbridge Community Association v. Star Enterprise*, No. 108514 (Cir. Ct., Fairfax Cty., Va.) (represented over 200 homeowners in individual cases arising from leak from petroleum storage facility ; +\$50 million settlement and +\$200 million in property value protection).

Judicial References. The following Judges can speak to my qualifications and professionalism:

- Judge David L. Bunning, United States District Judge, Eastern District of Kentucky. 35 West 5th Street, Covington, KY 41011;
- Magistrate Judge Alan Kay, United States Magistrate Judge, District of Columbia, 333 Constitution Ave. N.W., Washington, D.C. 20001. (202) 354-3030;

Kluchinsky, et al., v. Volkswagen Group of America, et al., filed October 7, 2015, No. 2:15-cv-07339 (D.N.J.); *Gibbons, III, et al., v. Volkswagen Group of America, et al.*, filed October 7, 2015, No. 2:15-cv-07336 (D.N.J.); *Rope, et al., v. Volkswagen Group of America, et al.*, filed October 14, 2015, No. 2:15-cv-07495 (D.N.J.)

- The Honorable Eldon E. Fallon, United States District Judge, Eastern District of Louisiana. 500 Poydras Street, Room C456, New Orleans, LA 70130. (504) 589-7545;
- Judge Amy Berman Jackson, United States District Judge, District of Columbia, 333 Constitution Ave. N.W., Washington, D.C. 20001. (202) 354-3460.

Factors (3) Through (7) In PTO 2. I and my firm are willing to fully commit our time and resources to this litigation. The most accurate predictor of the time and resources an attorney or law firm will devote to a case is what they have delivered in the past. WBM has twelve attorneys, all of whom represent plaintiffs in complex litigation, as well as a full team of non-lawyer professionals. In each case handled by the firm, including those discussed above, our attorneys have always matched the resource-commitment and focus of the opposition, no matter how long-lasting the litigation. As set forth above, WBM has achieved successful outcomes in several class actions and other complex cases and possesses the skills and resources to serve as a member of the steering committee in this litigation.

I desire to serve as a member of the steering committee on behalf of consumers, and I believe my firm can play an important role in the resolution of this matter. I have made no promises to others in order to obtain support for this application, though I have worked well in prior cases with many of the firms on file here.

I am authorized to state that the following counsel support my application to be a member of the Plaintiffs' Steering Committee in this MDL:

Elizabeth J. Cabraser
**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**
275 Battery Street, 29th Floor
San Francisco, CA 94114
(415) 956-1000

James E. Cecchi
**CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.**
5 Becker Farm Road
Roseland, NJ 07068
(973) 994-1700

Gregory F. Coleman
GREG COLEMAN LAW PC
First Tennessee Plaza
800 S. Gay Street, Suite 1100
Knoxville, TN 37929
(865) 247-0090

Edward A. Wallace
WEXLER WALLACE LLP
55 West Monroe Street, Suite 3300
Chicago, IL 60603
(312) 346-2222

Debra B. Hayes
THE HAYES LAW FIRM, P.C.
700 Rockmead Dr. Ste. 210
Houston, TX 77339
(281) 815-4963

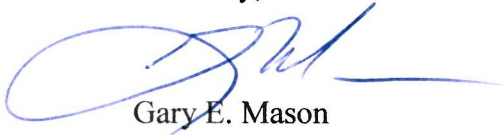
Adam J. Levitt
GRANT & EISENHOFER P.A.
30 North LaSalle Street, Suite 2350
Chicago, IL 60602
(312) 214-0000

W. Daniel "Dee" Miles, III
BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
272 Commerce Street
Post Office Box 4160
Montgomery, AL 36104
(334) 269-2343

Timothy G. Blood
BLOOD HURST & O'REARDON, LLP
701 B Street, Suite 1700
San Diego, CA 92101
(619) 338-1100

I look forward to serving in this matter. Thank you for your consideration.

Sincerely,



Gary E. Mason